

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Noel L. Hillman, U.S.D.J.
v. : Crim. No. 14-cr-152 (NLH)
ROBERT SMITH :

ORDER

The Court having previously granted limited discovery to defendant Robert Smith regarding his selective enforcement claim, under the standard pronounced in *United States v. Washington*, 869 F.3d 193 (3d Cir. 2017), as outlined in the Court's June 2, 2021 Order (ECF No. 222); the Government having complied with its obligations under that Order, and the defendant having thereafter sought further discovery (ECF No. 238); and the United States having opposed the grant of further discovery (ECF No. 241); the Court having heard argument on October 12, 2023, regarding defendant's claim that he is entitled to additional discovery under the *Washington* standard; having considered the arguments of the parties at the hearing and in their respective prehearing briefs; and having found the *Washington* standard satisfied, it is hereby:

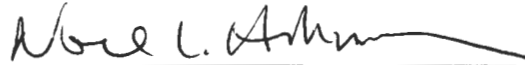
ORDERED that the United States will produce the following discovery to defendant Robert Smith's counsel, Justin T. Loughry, Esq. and Floyd J. Miller, Esq., no later than February 15, 2024:

All records of, or referring or relating to, any communications which took place between September 1, 2013 and April 30, 2016 concerning codefendant Derrick L. Adams, a/k/a "Little D,"

between Burlington County Prosecutor's Office ("BCPO") personnel and the ATF Camden Field Office. These materials include, but are not limited to: any and all rough notes, notations, emails, text messages, telephone or voicemail messages and memoranda or interview or memoranda generally.

It is further ORDERED that no later than February 29, 2024, the defendant and the United States shall each file a brief addressing the effect of any materials produced by the United States in compliance with this Order on Smith's claim of selective enforcement under the *Washington* standard.

So ORDERED this 2nd day of January, 2024.



Hon. Noel L. Hillman
U.S. District Judge
Camden, New Jersey

Form and entry consented to:



Molly S. Lorber
Assistant U.S. Attorney

/s/ Justin T. Loughry

Justin T. Loughry, Esq.
Floyd J. Miller, Esq.
Counsel for defendant Robert Smith